

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MICHAEL MATHIE, IV,

Plaintiff

- v -

Civ. No. 9:05-CV-0848
(DNH/RFT)

GLENN S. GOORD, Commissioner, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

MICHAEL MATHIE
Plaintiff, *Pro se*
90-T-1282
Riverview Correctional Facility
P.O. Box 247
Ogdensburg, New York 13669

RANDOLPH F. TREECE
U.S. MAGISTRATE JUDGE

ORDER

Presently before the Court for review is a Complaint filed by *pro se* Plaintiff Michael Mathie. Dkt. No. 1, Compl. Mathie is presently incarcerated at Riverview Correctional Facility and has paid the filing fee to maintain this action.

In his *pro se* Complaint, Plaintiff asserts that the Department of Correctional Services' regulations and directives relative to an inmate's ability to offer exculpatory evidence at a superintendent's hearing are unconstitutional. For a more complete statement of Plaintiff's claims, reference is made to the entire Complaint.

WHEREFORE, it is hereby

ORDERED, that the Clerk shall issue Summonses and forward them, along with a copy of

the Complaint, to Plaintiff for service of same on Defendants in accordance with the Federal Rules of Civil Procedure. The Clerk shall forward a copy of the Summons and Complaint by mail to the Office of the New York State Attorney General, together with a copy of this Order; and it is further

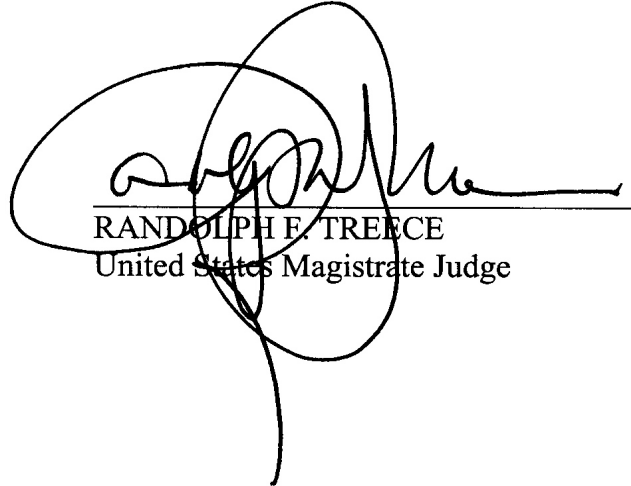
ORDERED, that a response to Plaintiff's Complaint be filed by the Defendants or their counsel as provided for in the Federal Rules of Civil Procedure after service of process on the Defendants; and it is further

ORDERED, that all pleadings, motions and other documents relating to this action shall be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of same was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a certificate of service which clearly states that an identical copy of same was served upon all opposing parties or their attorneys is to be returned without processing.** Plaintiff shall also comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. Motions must comply with Local Rule 7.1 of the Northern District of New York and are to be made returnable before the assigned Magistrate Judge on any business day with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office of any change in his address; his failure to keep such office apprised of his current address will result in the dismissal of the instant action.** All motions will be decided on submitted papers, without oral argument, unless otherwise ordered by this Court; and it is further

ORDERED, that the Clerk serve a copy of this Order on the Plaintiff by regular mail.

IT IS SO ORDERED.

Date: August 1, 2005
Albany, New York



RANDOLPH F. TRECE
United States Magistrate Judge